



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

**Order 2004-8-1**

Issued by the Department of Transportation  
on the 3<sup>rd</sup> day of August, 2004

In the matter of the revocation of the certificate authority  
issued to

**TRANS-AIR-LINK CORPORATION**

pursuant to the provisions of section 204.7 of the Department's  
Aviation Economic Regulations

**Served: August 6, 2004**

**Dockets 41040  
and  
OST-2003-16448**

**ORDER REVOKING CERTIFICATE AUTHORITY**

Trans-Air-Link Corporation (TAL) holds certificates authorizing it to engage in domestic all-cargo and foreign charter all-cargo operations.<sup>1</sup> The company conducted operations under its certificate authority until November 1, 2002, when it ceased all operations.

Section 204.7 of the Department's Aviation Economic Regulations (14 CFR 204.7) provides that, if a carrier ceases conducting the operations for which it was found fit, its authority to conduct such operations is automatically suspended. As a result of its cessation of operations, in accordance with section 204.7, TAL's authority was automatically suspended as of November 11, 2002. By letter dated March 7, 2003, the Department informed TAL that, pursuant to section 204.7 of our rules, it could not resume nor advertise its services until it had re-established its fitness. Further, the Department advised TAL that section 204.7 also provides that the authority granted to an air carrier is subject to revocation if the carrier has not operated for a one-year period under any authority for which it was found fit. In the case of TAL, this revocation-for-dormancy date would have been November 1, 2003.

On October 31, 2003, TAL submitted an application in Docket OST-2003-16448 requesting an exemption from section 204.7 of our rules, and included a proposal involving new ownership and management. Although TAL did not indicate whether its application was for an extension of time from the one-year revocation period or was for a notice to resume operations, the Department construed it as a request for an extension of time. Based on various subsequent discussions with TAL and counsel for the prospective new owners, the Department granted TAL until February 27, 2004, to submit information supporting its new proposal.

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<sup>1</sup> See Orders 83-4-97 issuing domestic all-cargo authority, and 83-5-80 issuing foreign charter all-cargo authority.

On February 25, 2004, TAL notified the Department that its proposed acquisition had fallen through, but that the company still planned to resume operations. The company submitted additional information on its ownership and management structure, as well as its new operating plans.

As a result, by letter dated March 16, 2004, the Department granted TAL another extension--until May 1, 2004--to re-establish its fitness and resume operations. That letter also informed the carrier that further extensions would not be granted unless we received confirmation from the Federal Aviation Administration (FAA) that substantial progress had been made towards obtaining its FAA recertification.

On April 1, 2004, the FAA sent TAL a letter stating that, due to the company's lack of qualified key technical personnel, facilities, and operational capability, it was no longer qualified to hold an air carrier certificate.

On April 27, 2004, TAL filed supplemental information with the Department outlining the terms of its proposed financing and aircraft lease agreement. However, the company did not submit evidence supporting its progress towards obtaining FAA approval. In early May, we reminded TAL of this and advised it that, while we were willing to give it an opportunity to meet with the FAA and re-establish its qualifications to hold its Part 121 certificate, any further requests for an extension would not be granted without evidence of progress from the FAA. To date, no such evidence has been provided.

By letter dated July 30, 2004, the Department acknowledged TAL's attempt to reestablish its fitness, but informed the carrier that it had not demonstrated that it was well along in its process for obtaining FAA approval to recommence operations. Furthermore, based on our most recent conversations with the FAA, TAL's situation has not changed, and thus, the FAA has begun taking action to revoke the company's Part 121 certificate.

Over 20 months have elapsed since TAL ceased operations and in spite of the information submitted in support of its application for an exemption from section 204.7, it does not appear as though TAL is in a position to recommence operations in the near future. It is not our policy to allow certificates to remain dormant indefinitely. As a result, we have decided to revoke TAL's domestic all-cargo and foreign charter certificates in accordance with section 204.7 for reason of dormancy. This action is taken without prejudice to the carrier's refilling for certificate authority at such time as it is ready to recommence operations.

**ACCORDINGLY**, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We revoke the domestic all-cargo certificate issued to Trans-Air-Link Corporation, by Order 83-4-97 (Docket 41040) for reason of dormancy.<sup>2</sup>
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order, under 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

The action taken in this order shall be effective immediately and the filing of a petition for review shall not alter its effectiveness.

By:

**RANDALL D. BENNETT**  
Director  
Office of Aviation Analysis

*An electronic version of this document is available on the World Wide Web at  
<http://dms.dot.gov>*

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<sup>2</sup> By this Order, we revoke only TAL's domestic all-cargo certificate. Revocation of TAL's foreign charter certificate is subject to Presidential review under 49 U.S.C. 41307 and will be handled in a separate order.

**SERVICE LIST FOR TRANS-AIR-LINK CORPORATION**

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